

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM PRICE,)	
)	
Plaintiff,)	Civil Action No. 08-246J
)	
v.)	Judge Gibson
)	Magistrate Judge Bissoon
ORCHID CELLMARK, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

William Price's civil rights complaint pursuant to 42 U.S.C. § 1983 was received by the Clerk of Court on October 24, 2008, and was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 (now Rules 72.C and 72.D) of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on August 18, 2009, recommended that the Defendant's Motion to Dismiss or in the Alternative for Summary Judgment (Doc. 22) be treated as a Motion for Summary Judgment and be granted. The parties were allowed ten days from the date of service to file objections. Price filed objections on September 1, 2009 (Doc. 38) and Defendant filed a Response on September 10, 2009 (Doc. 39).

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 11th day of September, 2009,

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss or in the Alternative for Summary Judgment (Doc. 22) is treated as a Motion for Summary Judgment and is GRANTED.

The Report and Recommendation of Magistrate Judge Bissoon (Doc. 37), dated August 18, 2009, is adopted as the opinion of the court.

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson
U.S. District Court Judge

cc:
WILLIAM PRICE
FP-2118
SCI Cresson
P.O. Box A
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